

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

BRENDA KAY LUDLAM
a.k.a. BRENDA KAY SODERSTROM
460 North Arthur Street
Kennewick, WA 99336

Registered Nurse License No. **388810**

Respondent

Case No. 2012-280
OAH No. L-2011110405

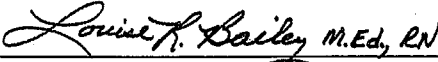
**STIPULATED SURRENDER
OF LICENSE AND ORDER**

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

IT IS SO ORDERED **September 18, 2012.**

This Decision shall become effective on **September 18, 2012.**



Louise R. Bailey, M.ED., R.N. Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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3 **BEFORE THE**
4 **BOARD OF REGISTERED NURSING**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 In the Matter of the Stipulated Settlement and
8 Disciplinary Order Against:

9 BRENDA KAY LUDLAM, A.K.A. BRENDA
10 KAY SODERSTROM,
11 460 North Arthur Street
12 Kennewick, WA 99336

13 Registered Nurse License No. 388810

14 Respondent.

Case No. 2012-280
OAH No. L-2011110405

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties that
16 the following matters are true:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of
19 the Board of Registered Nursing, who brought this action solely in her official capacity.

20 2. Brenda Kay Ludlam (Respondent), is representing herself in this
21 proceeding and has chosen not to exercise her right to be represented by counsel.

22 3. On or about August 31, 1985, the Board of Registered Nursing issued
23 Registered Nurse license No. 388810 to Respondent. The Registered Nurse license was in full
24 force and effect at all times relevant to the charges brought in Accusation No. 2012-280 and will
25 expire on December 31, 2012, unless renewed.

26 JURISDICTION

27 4. On July 20, 2012, the Board of Registered Nursing adopted Stipulated
28 Settlement and Disciplinary Order No. 2012-280, which became effective on August 20, 2012.
The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a 3-
year probation term that includes Probation Conditions # 1-19. The Stipulated Settlement and
Disciplinary Order is attached as exhibit A and incorporated herein by reference.

5. At all times after the effective date of Respondent's probation, Condition

13 states,

1 **“License Surrender.** During Respondent’s term of probation, if he
2 ceases practicing due to retirement, health reasons or is otherwise
3 unable to satisfy the conditions of probation, Respondent may surrender
4 his license to the Board. The Board reserves the right to evaluate
5 Respondent’s request and to exercise its discretion whether to grant the
6 request, or to take any other action deemed appropriate and reasonable
7 under the circumstances, without further hearing. Upon formal
8 acceptance of the tendered license and wall certificate, Respondent will
9 no longer be subject to the conditions of probation.

10 Surrender of Respondent’s license shall be considered a disciplinary action
11 and shall become a part of Respondent’s license history with the Board. A
12 registered nurse whose license has been surrendered may petition the Board for
13 reinstatement no sooner than the following minimum periods from the effective
14 date of the disciplinary decision:

15 (1) Two years for reinstatement of a license that was surrendered for
16 any reason other than a mental or physical illness; or

17 (2) One year for a license surrendered for a mental or physical illness.”

18 ADVISEMENT AND WAIVERS

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20 6. Respondent has carefully read and understands Stipulated Settlement
21 and Disciplinary Order No. 2012-280. Respondent has carefully read, and understands the
22 effects of this Stipulated Surrender of License and Order and understands that this Stipulated
23 Surrender, if accepted by the Board, is considered as formal discipline of his license.

24 7. Respondent understands that by signing this stipulation she enables
25 the Board to accept the surrender of her Registered Nurse License without further process.

26 CONTINGENCY

27 8. This stipulation shall be subject to approval by the Board of Registered
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1 Nursing. The Respondent understands and agrees that by signing this Stipulated Surrender of
2 License and Order, she may not withdraw her agreement or seek to rescind the stipulation prior
3 to the date it becomes effective. If the Board declines to accept this stipulation as its Decision
4 and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except
5 for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
6 shall not be disqualified from further action by having considered this matter.

7 9. This Stipulated Surrender of License and Order is intended by the parties to
8 be an integrated writing representing the complete, final, and exclusive embodiment of their
9 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
10 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
11 License and Order may not be altered, amended, modified, supplemented, or otherwise changed
12 except by a writing executed by an authorized representative of each of the parties.

13 10. The parties understand and agree that facsimile copies of this Stipulated
14 Surrender of License and Order, including facsimile signatures thereto, shall have the same
15 force and effect as the originals.

16 11. In consideration of the foregoing stipulations, the parties agree that the
17 Board may, without further notice or formal proceeding, issue and enter the following Order:

18 **ORDER**

19 IT IS HEREBY ORDERED that Registered Nurse License No. 388810, issued to
20 Respondent Brenda Kay Ludlam is surrendered and the surrender is accepted by the Board of
21 Registered Nursing.

22 12. The surrender of Respondent's Registered Nurse License and the
23 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
24 against Respondent. This stipulation constitutes a record of the discipline and shall become a
25 part of Respondent's license history with the Board.

26 13. Respondent shall lose all rights and privileges as a Registered Nurse in
27 California as of the effective date of the Board's Decision and Order.
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1 14. Respondent shall cause to be delivered to the Board both her pocket
2 license and wall certificate, if one was issued, on or before the effective date of the Decision
3 and Order.

4 15. Respondent fully understands and agrees that if she ever files an application for
5 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
6 petition for reinstatement. Respondent must comply with all the laws, regulations and
7 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
8 of the charges and allegations contained in Accusation No. 2012-280 shall be deemed to be true,
9 correct and admitted by Respondent when the Board determines whether to grant or deny the
10 petition.

11 16. Upon reinstatement of the license by the Board, Respondent shall pay to
12 the Board costs associated with its investigation and enforcement pursuant to Business and
13 Professions Code section 125.3 in the amount of \$955.00 which is the amount currently owed
14 pursuant to Stipulated Settlement and Disciplinary Order No. 2012-280 (Exhibit A). If the
15 reinstatement of Respondent's license is granted, Respondent shall be permitted to pay these
16 costs in a payment plan approved by the Board.

17 17. Respondent shall not apply for licensure or petition for reinstatement for
18 2 years from the effective date of the Board of Registered Nursing's Decision and Order.
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4 ACCEPTANCE

5 I have carefully read the Stipulated Surrender of License and Order. I understand
6 the stipulation and the effect it will have on my Registered Nurse License. I enter into this
7 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
8 be bound by the Decision and Order of the Board of Registered Nursing.

9 DATED: 9-8-12

10 Brenda Kay Ludlam
11 BREND KAY LUDLAM
12 Respondent

13
14 ENDORSEMENT

15 The foregoing Stipulated Surrender of License and Order is hereby respectfully
16 accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer for the Board
17 of Registered Nursing.

18 DATED: SEPTEMBER 18, 2012

19 Louise R. Bailey, M.Ed., R.N.

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21 Louise R. Bailey, M.Ed., R.N.
22 Executive Officer

23 BOARD OF REGISTERED NURSING
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EXHIBIT "A"

Stipulated Settlement and Disciplinary Order No. 2012-280

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BRENDA KAY LUDLAM, aka
BRENDA KAY SODERSTROM

Registered Nurse License No. 388810

Respondent .

Case No. 2012-280
OAH No. L-2011110405

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 20, 2012.

IT IS SO ORDERED July 20, 2012.



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **THE SUCCESSOR TO THE BOARD OF REGISTERED NURSING**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-280

13 **BRENDA KAY LUDLAM,**
14 **aka BRENDA KAY SODERSTROM**
521 West 40th Street
15 San Pedro, CA 90731

OAH No. 2011110405

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Registered Nurse License No. 388810

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brought this action solely in her capacity
22 as Executive Officer of the Board of Registered Nursing (Board), Department of Consumer
23 Affairs. This action is maintained pursuant to a Delegation of Authority from the Board and its
24 Executive Officer to the Department of Consumer Affairs, effective December 31, 2011. The
25 Board is represented in this matter by Kamala D. Harris, Attorney General of the State of
26 California, by Amanda Dodds, Senior Legal Analyst.

27 2. Brenda Kay Ludlam (Respondent) is representing herself in this proceeding and has
28 chosen not to exercise her right to be represented by counsel.

3. On or about August 31, 1985, the Board of Registered Nursing issued Registered Nurse License No. 388810 to Brenda Kay Ludlam, also known as Brenda Kay Soderstrom (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-280 and will expire on December 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2012-280 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 1, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-280 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Pursuant to Business and Professions Code section 102.3, the Board delegated its duties to the Department of Consumer Affairs by way of an interagency agreement, effective December 31, 2011, until legislation re-establishing the Board takes effect. A copy of the interagency agreement is attached as Exhibit B and incorporated by reference. Hereinafter, all references to the Board shall include the Board or its successor.

6. Respondent acknowledges and agrees that the Board has continuing jurisdiction to discipline her license.

7. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-280. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California

Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

10. Should this stipulated settlement be presented at a hearing before an Administrative Law Judge for preparation of a proposed decision, Respondent voluntarily, knowingly, and intelligently waives stenographic reporting of the proceeding and hereby consents to electronic reporting of the proceeding (Gov. Code, § 11512 (d)).

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-280.

12. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board pursuant to the Board's delegation of authority as set forth in the attached interagency agreement. Respondent understands and agrees that counsel for Complainant and Board staff may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel.

By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation before the Board act on it or it becomes effective by operation of law pursuant to the Administrative Procedure Act (Gov. Code, § 11340 et seq.). If the Stipulated Settlement and Disciplinary Order is rejected by the Board as the final resolution of the pending accusation, it shall be of no force or effect, except for this paragraph it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 388810 issued to Respondent Brenda Kay Ludlam is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72)-hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

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1 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
2 the conditions of the Probation Program established by the Board and cooperate with
3 representatives of the Board in its monitoring and investigation of the Respondent's compliance
4 with the Board's Probation Program. Respondent shall inform the Board in writing within no
5 more than 15 days of any address change and shall at all times maintain an active, current license
6 status with the Board, including during any period of suspension.

7 Upon successful completion of probation, Respondent's license shall be fully restored.

8 3. **Report in Person.** Respondent, during the period of probation, shall appear in
9 person at interviews/meetings as directed by the Board or its designated representatives.

10 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
11 practice as a registered nurse outside of California shall not apply toward a reduction of this
12 probation time period. Respondent's probation is tolled, if and when she resides outside of
13 California. Respondent must provide written notice to the Board within 15 days of any change of
14 residency or practice outside the state, and within 30 days prior to re-establishing residency or
15 returning to practice in this state.

16 Respondent shall provide a list of all states and territories where she has ever been licensed
17 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
18 information regarding the status of each license and any changes in such license status during the
19 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
20 license during the term of probation.

21 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
22 or cause to be submitted such written reports/declarations and verification of actions under
23 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
24 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
25 Respondent shall immediately execute all release of information forms as may be required by the
26 Board or its representatives.

27 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
28 state and territory in which she has a registered nurse license.

1 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
2 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
3 6 consecutive months or as determined by the Board.

4 For purposes of compliance with the section, "engage in the practice of registered nursing"
5 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
6 non-direct patient care position that requires licensure as a registered nurse.

7 The Board may require that advanced practice nurses engage in advanced practice nursing
8 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

9 If Respondent has not complied with this condition during the probationary term, and
10 Respondent has presented sufficient documentation of her good faith efforts to comply with this
11 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
12 extension of Respondent's probation period up to one year without further hearing in order to
13 comply with this condition. During the one year extension, all original conditions of probation
14 shall apply.

15 7. **Employment Approval and Reporting Requirements.** Respondent shall obtain
16 prior approval from the Board before commencing or continuing any employment, paid or
17 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
18 performance evaluations and other employment related reports as a registered nurse upon request
19 of the Board.

20 Respondent shall provide a copy of this Decision to her employer and immediate
21 supervisors prior to commencement of any nursing or other health care related employment.

22 In addition to the above, Respondent shall notify the Board in writing within seventy-two
23 (72) hours after she obtains any nursing or other health care related employment. Respondent
24 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
25 separated, regardless of cause, from any nursing, or other health care related employment with a
26 full explanation of the circumstances surrounding the termination or separation.

27 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
28 Respondent's level of supervision and/or collaboration before commencing or continuing any

1 employment as a registered nurse, or education and training that includes patient care.

2 Respondent shall practice only under the direct supervision of a registered nurse in good
3 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
4 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
5 approved.

6 Respondent's level of supervision and/or collaboration may include, but is not limited to the
7 following:

8 (a) Maximum - The individual providing supervision and/or collaboration is present in
9 the patient care area or in any other work setting at all times.

10 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
11 care unit or in any other work setting at least half the hours Respondent works.

12 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
13 person communication with Respondent at least twice during each shift worked.

14 (d) Home Health Care - If Respondent is approved to work in the home health care
15 setting, the individual providing supervision and/or collaboration shall have person-to-person
16 communication with Respondent as required by the Board each work day. Respondent shall
17 maintain telephone or other telecommunication contact with the individual providing supervision
18 and/or collaboration as required by the Board during each work day. The individual providing
19 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
20 patients' homes visited by Respondent with or without Respondent present.

21 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
22 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
23 or for an in-house nursing pool.

24 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
25 registered nursing supervision and other protections for home visits have been approved by the
26 Board. Respondent shall not work in any other registered nursing occupation where home visits
27 are required.

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Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$955.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

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1 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
2 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
3 and impose the stayed discipline (revocation/suspension) of Respondent's license.

4 If during the period of probation, an accusation or petition to revoke probation has been
5 filed against Respondent's license or the Attorney General's Office has been requested to prepare
6 an accusation or petition to revoke probation against Respondent's license, the probationary
7 period shall automatically be extended and shall not expire until the accusation or petition has
8 been acted upon by the Board.

9 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
10 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
11 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
12 Respondent's request and to exercise its discretion whether to grant the request, or to take any
13 other action deemed appropriate and reasonable under the circumstances, without further hearing.
14 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
15 subject to the conditions of probation.

16 Surrender of Respondent's license shall be considered a disciplinary action and shall
17 become a part of Respondent's license history with the Board. A registered nurse whose license
18 has been surrendered may petition the Board for reinstatement no sooner than the following
19 minimum periods from the effective date of the disciplinary decision:

20 (1) Two years for reinstatement of a license that was surrendered for any reason other
21 than a mental or physical illness; or

22 (2) One year for a license surrendered for a mental or physical illness.

23 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
24 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
25 assistant, who is approved by the Board before the assessment is performed, submit an
26 assessment of the Respondent's physical condition and capability to perform the duties of a
27 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
28 medically determined, a recommended treatment program will be instituted and followed by the

Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.

Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

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1 Based on Board recommendation, each week Respondent shall be required to attend at least
2 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
3 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
4 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
5 added. Respondent shall submit dated and signed documentation confirming such attendance to
6 the Board during the entire period of probation. Respondent shall continue with the recovery plan
7 recommended by the treatment/rehabilitation program or a licensed mental health examiner
8 and/or other ongoing recovery groups.

9 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
10 completely abstain from the possession, injection or consumption by any route of all controlled
11 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
12 are ordered by a health care professional legally authorized to do so as part of documented
13 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
14 days, by the prescribing health professional, a report identifying the medication, dosage, the date
15 the medication was prescribed, the Respondent's prognosis, the date the medication will no
16 longer be required, and the effect on the recovery plan, if appropriate.

17 Respondent shall identify for the Board a single physician, nurse practitioner or physician
18 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
19 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
20 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
21 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
22 considered addictive have been prescribed, the report shall identify a program for the time limited
23 use of any such substances.

24 The Board may require the single coordinating physician, nurse practitioner, or physician
25 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
26 medicine.

27 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
28 random, biological fluid testing or a drug screening program which the Board approves. The

length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date of this Decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of Respondent.

1 Recommendations for treatment, therapy or counseling made as a result of the mental health
2 examination will be instituted and followed by Respondent.

3 If Respondent is determined to be unable to practice safely as a registered nurse, the
4 licensed mental health care practitioner making this determination shall immediately notify the
5 Board and Respondent by telephone, and the Board shall request that the Attorney General's
6 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
7 practice and may not resume practice until notified by the Board. During this period of
8 suspension, Respondent shall not engage in any practice for which a license issued by the Board
9 is required, until the Board has notified Respondent that a mental health determination permits
10 Respondent to resume practice. This period of suspension will not apply to the reduction of this
11 probationary time period.

12 If Respondent fails to have the above assessment submitted to the Board within the 45-day
13 requirement, Respondent shall immediately cease practice and shall not resume practice until
14 notified by the Board. This period of suspension will not apply to the reduction of this
15 probationary time period. The Board may waive or postpone this suspension only if significant,
16 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
17 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
18 Only one such waiver or extension may be permitted.

19 **19. Therapy or Counseling Program.** Respondent, at her expense, shall participate in
20 an on-going counseling program until such time as the Board releases her from this requirement
21 and only upon the recommendation of the counselor. Written progress reports from the counselor
22 will be required at various intervals.

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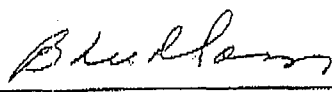
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order.

DATED:

2-13-12
BRENDA KAY LUDLAM
RespondentENDORSEMENT

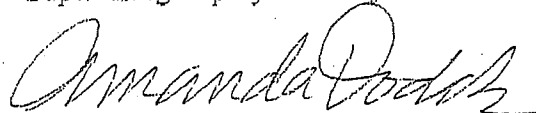
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted.

Dated:

2/13/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

SD2011801303

Exhibit A

Accusation No. 2012-280

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-280

12 **BRENDA KAY LUDLAM**
13 **aka BRENDA KAY SODERSTROM**
14 **521 West 40th Street**
San Pedro, CA 90731

ACCUSATION

15 **Registered Nurse License No. 388810**

16 **Respondent.**

17
18 **Complainant alleges:**

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered
24 Nurse License Number 388810 to Brenda Kay Ludlam, also known as Brenda Kay Soderstrom
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on December 31, 2012, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

9

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

12

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

16

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
19 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b) of
22 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
23 the conviction is conclusive evidence thereof.

24

25 11. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo contendere
27 made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
28 issue a license or certificate, when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 COSTS

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (January 15, 2004 Criminal Convictions for DUI on December 13, 2003)

8 15. Respondent has subjected her license to disciplinary action under sections 490 and
9 2761, subdivision (f) of the Code in that Respondent was convicted of crimes that are
10 substantially related to the qualifications, functions, and duties of a registered nurse. The
11 circumstances are as follows:

12 a. On or about January 15, 2004, in a criminal proceeding entitled *People of the*
13 *State of California v. Brenda Kay Ludlam, aka Brenda Kay Oliver, aka Brenda Kay Soderstrom*,
14 in Orange County Superior Court, case number 04WM00332, Respondent was convicted on her
15 plea of guilty of violating Vehicle Code section 23152, subdivision (a), driving under the
16 influence of alcohol, and Vehicle Code section 23152, subdivision (b), driving with a blood
17 alcohol concentration (BAC) of 0.08% or more, misdemeanors. The court assessed Respondent's
18 BAC as .16 percent.

19 b. As a result of the convictions, on or about January 15, 2004, Respondent was
20 sentenced to three years informal probation and ordered to attend and complete a six-month Level
21 2 First Offender Alcohol Program. Respondent was further ordered to pay fees, fines, and
22 restitution, and comply with the terms of standard DUI probation.

23 c. The facts that led to the conviction are that on or about December 13, 2003,
24 Respondent was arrested by the California Highway Patrol for driving under the influence of
25 alcohol.

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1 Highway Patrol (CHP) who dispatched a patrol officer to conduct a DUI evaluation of
2 Respondent. Upon contact with Respondent, the CHP officer noted the odor of an alcoholic
3 beverage emitting from inside the vehicle and on Respondent's breath. Respondent's eyes were
4 red and watery. Respondent submitted to a series of field sobriety tests which she was unable to
5 complete as explained and demonstrated. Respondent was arrested for driving under the
6 influence of alcohol. During booking, she provided a blood sample which was analyzed with a
7 BAC of .22 percent.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

10 17. Respondent has subjected her registered nurse license to disciplinary action under
11 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about
12 December 13, 2003, and January 8, 2007, as described in paragraphs 15 and 16, above,
13 Respondent used alcoholic beverages to an extent or in a manner that was potentially dangerous
14 and injurious to herself, and to others in that she operated a motor vehicle with significantly high
15 blood alcohol concentrations.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)**

18 18. Respondent has subjected her registered nurse license to disciplinary action under
19 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about January
20 15, 2004, and August 30, 2007, as described in paragraphs 15 and 16, above, Respondent was
21 convicted of criminal offenses involving the consumption and/or self-administration of alcohol.

22 ///

23 ///

24 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 388810, issued to Brenda Kay Ludlam, also known as Brenda Kay Soderstrom

2. Ordering Brenda Kay Ludlam to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: November 1, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

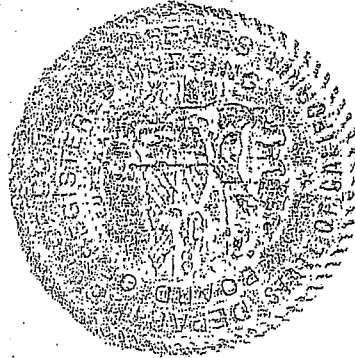
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Exhibit B

**Interagency Agreement between the Department of Consumer Affairs
and the California Board of Registered Nursing**

STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

SS:



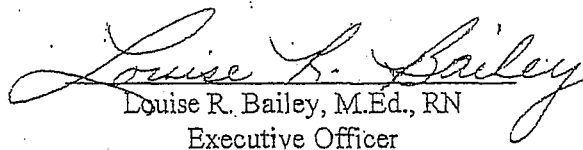
DECLARATION

I am a United States citizen and I am over the age of eighteen. I HEREBY CERTIFY that I, Louise R. Bailey, am the Executive Officer for the California State Board of Registered Nursing ("Board"), Department of Consumer Affairs, 1747 N. Market Blvd., Suite 150, Sacramento, CA, and am the official delegated Custodian of the Records for the Board of Registered Nursing. I am responsible for their maintenance pursuant to Chapter 6, Division 2 of the California Business & Professions Code and certify the contents of said records pursuant to Sections 162 and 163 of the Business and Professions Code.

I hereby state that:

Attached is a true certified copy of the Interagency Agreement between the Board of Registered Nursing and the Department of Consumer Affairs.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and belief. Given under my hand and the seal of the Board of Registered Nursing, Department of Consumer Affairs, at Sacramento, California, this 28th day of December 2011.


Louise R. Bailey, M.Ed., RN
Executive Officer

INTERAGENCY AGREEMENT

Between the Department of Consumer Affairs
&
California Board of Registered Nursing

WHEREAS, Business and Professions Code Sections 2701 and 2708, establishing the Board of Registered Nursing ("Board") and providing for an Executive Officer to perform the duties delegated by the Board will become ineffective and repealed effective January 1, 2012; and

WHEREAS, the Nursing Practice Act has not been repealed and will remain in full force and effect; and

WHEREAS, the Board is within the Department of Consumer Affairs ("Department"); and

WHEREAS, it is the mission of the Board and Department to provide as much consumer protection as possible; and

WHEREAS, the Board has, by vote at its meeting on November 16, 2011, delegated to the Department as of December 31, 2011, those duties, powers and responsibilities that the Board has previously delegated to the Board's Executive Officer as of December 31, 2011, and, further, approved entering into this agreement; and

WHEREAS, the Board and the Department wish to provide for the continued administration of those provisions of the Nursing Practice Act that have been delegated to the Board's Executive Officer in an uninterrupted and stable manner until legislation re-establishing the Board takes effect;

NOW THEREFORE, the parties to this Interagency Agreement (hereinafter "Agreement") agree as follows:

1. The Department accepts the delegation as approved by the Board and confirmed in this Agreement, and agrees to perform all such responsibilities in the best interests of protecting the public and consistently with the Nursing Practice Act.

2. The Board hereby authorizes and empowers the Department to the extent authorized by law, and subject to the review and approval of the State and Consumer Services Agency, to exercise those powers, duties and responsibilities that have been delegated to the Board's Executive Officer as of December 31, 2011, to administer the Nursing Practice Act.

3. The Board hereby authorizes the Department to utilize any previously appropriated funds of the Board to carry out the responsibilities in administering the Nursing Practice Act in conjunction with this Agreement; and those funds shall be used for the

purposes for which the Board of Registered Nursing Fund, Professions and Vocations Fund was established.

4. The Department shall adhere to all current Board policies while this Agreement is in effect; all regulations and policies that have been adopted by the Board as of December 31, 2011, shall remain in effect until the time that legislation re-establishing the Board takes effect.

5. This Agreement shall take effect on December 31, 2011, and remain in effect until the time that legislation re-establishing the Board takes effect.

6. In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

IT IS SO AGREED:

Department of Consumer Affairs ("Department")

By Brian Stiger
Brian Stiger, Acting Director

12/14/11
Date

California Board of Registered Nursing

By Jeannine Graves
Jeannine Graves, President
Doreen Hoffman, Vice President

12/14/11
Date

Approved:

By Anna M. Caballero
Anna M. Caballero, Secretary
State and Consumer Services Agency

12/14/11
Date